

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAZELLE RIGGINS,

Defendant.

8:08CR398

ORDER

Defendant Lazelle Riggins (Riggins) appeared before the court on December 23, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 70). Riggins was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Riggins waived a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). The courts finds there is probable cause to believe the violations set forth in the Petition have occurred and Riggins has violated the conditions of his supervised release as alleged, and Riggins should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon. The government moved for detention. A detention hearing was scheduled for December 30, 2013.

Riggins again appeared before the court on December 30, 2013, with his counsel, Assistant Federal Public Defender Richard H. McWilliams. The United States was represented by AUSA Semisch. No testimony was adduced and Riggins' counsel urged Riggins return to Bristol Station. It is Riggins' burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. Riggins should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on February 11, 2014**. Defendant must be present in person.
2. Defendant Lazelle Riggins is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 30th day of December, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge